

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

JEFFREY STOKES,)	
)	
Plaintiff,)	Civil Action No. 2:21-cv-1060
)	
vs.)	
)	District Judge Robert J. Colville
M. ADAMS, Superintendent, K. FEATHER,)	Magistrate Judge Lisa Pupo Lenihan
Corrections Health Care Administrator,)	
MORRE, Safety Manager, W. ROUDA, Unit)	
Manager,)	
)	
Defendants.)	

ORDER OF COURT

Currently pending before the Court is the April 25, 2022 Report and Recommendation (ECF No. 33) issued by Magistrate Judge Lisa Pupo Lenihan. Judge Lenihan’s Report and Recommendation recommends that the Motion to Dismiss converted into a Motion for Summary Judgment (ECF No. 26) filed by Defendants Melinda Adams, Karen Feather, Jason Moore, and W. Rouda (collectively “Defendants”) be granted, on the basis that Plaintiff Jeffrey Stokes has failed to exhaust his administrative remedies. Objections to Judge Lenihan’s Report and Recommendation were due by May 12, 2022. No objections were filed, and this matter is ripe for disposition.

Objections to a magistrate judge’s disposition of a dispositive matter are subject to de novo review before the district judge. 28 U.S.C. § 636(b)(1)(B)-(C); Fed. R. Civ. P. 72(b)(3). The reviewing district court must make a de novo determination of those portions of the magistrate judge’s report and recommendation to which objections are made. *Id.* Following de novo review, “[t]he district judge may accept, reject, or modify the recommended disposition; receive further

evidence; or return the matter to the magistrate judge with instructions.” Fed. R. Civ. P. 72(b)(3). The United States Court of Appeals for the Third Circuit has explained that, “even absent objections to the report and recommendation, a district court should ‘afford some level of review to dispositive legal issues raised by the report,’” and has “described this level of review as ‘reasoned consideration.’” *Equal Employment Opportunity Comm’n v. City of Long Branch*, 866 F.3d 93, 100 (3d Cir. 2017) (quoting *Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987)).

Upon reasoned consideration of Judge Lenihan’s April 25, 2022 Report and Recommendation, and following a review of the record in this matter, it is hereby ORDERED as follows:

The Court hereby accepts and adopts Judge Lenihan’s Report and Recommendation as the opinion of the Court with respect to Defendants’ Motion to Dismiss converted into a Motion for Summary Judgment. Defendants’ Motion to Dismiss converted into a Motion for Summary Judgment is granted. Plaintiff’s Amended Complaint (ECF No. 16) is dismissed without further leave to amend in the above-captioned matter. The Clerk of Court shall mark this case CLOSED.

IT IS FURTHER ORDERED that, pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure, if any party wishes to appeal from this Order, a notice of appeal, as provided in Fed. R. App. P. 3, must be filed with the Clerk of Court, United States District Court, at 700 Grant Street, Room 3110, Pittsburgh, PA 15219, within thirty (30) days.

BY THE COURT:

s/Robert J. Colville
Robert J. Colville
United States District Judge

DATED: June 1, 2022

cc/ecf:

All counsel of record

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